

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**  
 Robert Foster

**DEFENDANTS**  
 Frank Siegel

(b) County of Residence of First Listed Plaintiff Philadelphia  
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Out-of-State  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)  
 Adam D. Wilf, Esquire - Lundy Law, LLP  
 1635 Market Street - 19th Floor  
 Philadelphia, PA 19103-2297 Telephone: (215) 567-3000

Attorneys (If Known)  
 James D. Hilly, Esquire - Marshall Dennehey, et al.  
 620 Freedom Business Center - Suite 300  
 King of Prussia, PA 19406 Telephone: (610) 354-8493

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
 ☒ 2 Removed from State Court  
 ☐ 3 Remanded from Appellate Court  
 ☐ 4 Reinstated or Reopened  
 ☐ 5 Transferred from another district (specify)  
 ☐ 6 Multidistrict Litigation  
 ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1332 - Diversity of Citizenship

Brief description of cause:

Plaintiff is a citizen of this state and Defendant is a citizen of another state.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

James D. Hilly, Esquire

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Robert Foster

v.

Frank Siegel

:
  
:
  
:
  
:
  
:

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

9/21/15  
Date

(610) 354-8493

Telephone

James D. Hilly, Esquire  
Attorney-at-law

(610) 354-8299

FAX Number

Defendant, Frank Siegel  
Attorney for

jdhilly@mdwecg.com

E-Mail Address

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1120 E. Susquehanna Avenue, Philadelphia, Pennsylvania

Address of Defendant: 2807 Hunterdon Drive, Cinnaminson, New Jersey

Place of Accident, Incident or Transaction: 700 East Girard Avenue, Philadelphia, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations

7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury  
(Please specify)

7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

### ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/21/15

James D. Hilly, Esquire

Attorney-at-Law

27571

Attorney I.D.#

14196.01789..378.syw.101890963

*IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA*

ROBERT FOSTER	:	CIVIL ACTION - LAW
	:	
	:	
v.	:	JURY TRIAL DEMANDED
	:	
	:	
FRANK SIEGEL	:	NO.

.....

ROBERT FOSTER	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
	:	
v.	:	
	:	AUGUST TERM, 2015
	:	
	:	
FRANK SIEGEL	:	NO. 004482

**NOTICE OF REMOVAL**

***TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA:***

Defendant, **FRANK SIEGEL**, by and through his attorney, James D. Hilly, Esquire, hereby removes the above-captioned case to this Honorable Court and provides notice of same to counsel representing the plaintiff. In support of the removal, the defendant avers as follows:

- (1) That on September 3, 2015, Plaintiff filed a Complaint in the Court of Common Pleas against Defendant, Frank Siegel, a copy of which is attached hereto and marked as Exhibit "A".
- (2) That Plaintiff, **ROBERT FOSTER**, is upon information and belief an individual citizen residing at 1120 E. Susquehanna Avenue, in the City of Philadelphia and the Commonwealth of Pennsylvania.

(3) That Defendant, **ROBERT FOSTER**, is an individual citizen of the State of New Jersey residing at 2807 Hunterdon Drive, Cinnaminson, New Jersey.

(4) That this is a Civil Action for personal injuries arising out of a motor vehicle accident which occurred at 700 East Girard Avenue, Philadelphia, Pennsylvania on or about February 7, 2015 (mistated in the Complaint as July 7, 2015).

(5) The defendant was served at his home in New Jersey by certified mail on or after September 8, 2015.

(6) Based upon the allegations in the Complaint, Defendant reasonably believes that the amount in controversy is in excess of the jurisdictional limit of \$75,000.00 and that jurisdiction is therefore based upon the diversity of citizenship of the party plaintiff and the parties defendant. These allegations include claims of severe and permanent injuries including but not limited to right tibial plateau fracture, surgical repair, permanent loss of function of the right leg, right knee pain, scarring and head injury for which he claims severe pain and disability presently and into the future.

(7) The above-described Civil Action is one in which this Honorable Court has original jurisdiction pursuant to Title 28 United States Code Section 1332 based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00 and is accordingly one which may be removed to this Honorable Court by Notice pursuant to Title 28 United States Code Section 1441.

**WHEREFORE**, the defendant prays that the above action now pending in the Court of Common Pleas for Philadelphia County be removed to this Court.

**Marshall, Dennehey, Warner,  
Coleman & Goggin**

By: 

**James D. Hilly, Esquire  
Attorney for Defendant**

COMMONWEALTH OF PENNSYLVANIA:

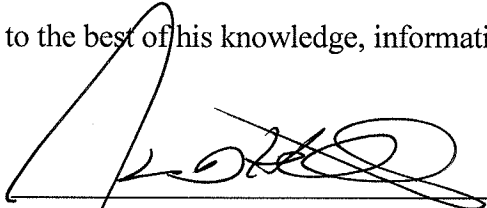
COUNTY OF PHILADELPHIA

SS

:

**AFFIDAVIT**

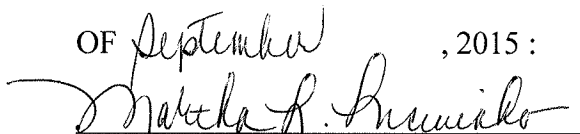
*JAMES D. HILLY, ESQUIRE*, being duly sworn according to law deposes and says that the facts set forth in the foregoing Notice of Removal are true and correct to the best of his knowledge, information and belief.

  
JAMES D. HILLY

SWORN TO AND SUBSCRIBED :

BEFORE ME THIS *21<sup>st</sup>* DAY :

OF *September*, 2015 :

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

MARTHA L. LICWINKO, Notary Public  
Upper Merion Twp., Montgomery County  
My Commission Expires May 24, 2019

14196.01789.378.syw.101890963

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN**

**ATTORNEY FOR: DEFENDANT**

BY: JAMES D. HILLY, ESQUIRE  
IDENTIFICATION No.: 27571  
620 FREEDOM BUSINESS CENTER – 3<sup>RD</sup> FLOOR  
KING OF PRUSSIA, PA 19406  
(610) 354-8493  
E-MAIL ADDRESS: [jdhilly@mdwecg.com](mailto:jdhilly@mdwecg.com)

ROBERT FOSTER

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

v.

AUGUST TERM, 2015

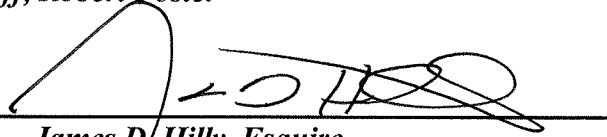
FRANK SIEGEL

NO. 004482

**CERTIFICATION OF SERVICE**

I hereby certify that I have served upon all persons listed below a true and correct copy of Notice of Removal in the above-captioned matter this date by the Court's electronic mailing system and regular mail.

Adam D. Wilf, Esquire  
**LUNDY LAW, LLP**  
1635 Market Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19103-2297  
*Attorney for Plaintiff, Robert Foster*

By:   
*James D. Hilly, Esquire*  
*Attorney for Defendant*

Date: 9/21/15

*Exhibit "A"*



Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**AUGUST 2015****004482**

E-Filed Number: 1509006622

PLAINTIFF'S NAME  
ROBERT FOSTER

DEFENDANT'S NAME  
FRANK SIEGEL

PLAINTIFF'S ADDRESS  
1120 E. SUSQUEHANNA AVENUE  
PHILADELPHIA PA 19125

DEFENDANT'S ADDRESS  
2807 HUNTERDON DRIVE  
CINNAMINSON NJ 08077

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NUMBER OF DEFENDANTS

1

COMMENCEMENT OF ACTION

☒ Complaint☐ Petition Action☐ Notice of Appeal☐ Writ of Summons☐ Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

☐ \$50,000.00 or less☒ More than \$50,000.00

COURT PROGRAMS

☐ Arbitration☒ Jury☐ Non-Jury☐ Other:☐ Mass Tort☐ Savings Action☐ Petition☐ Commerce☐ Minor Court Appeal☐ Statutory Appeals☐ Settlement☐ Minors☐ W/D/Survival

CASE TYPE AND CODE

2V - MOTOR VEHICLE ACCIDENT

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED**  
**PRO PROTHY**  
**SEP 03 2015**

K. EDWARDS

IS CASE SUBJECT TO  
COORDINATION ORDER?  
YES NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: ROBERT FOSTER

Papers may be served at the address set forth below.

NAME OF PLAINTIFF/PETITIONER/APPELLANT'S ATTORNEY

ADAM D. WILF

ADDRESS

LUNDY LAW  
1635 MARKET STREET, 19TH FLOOR  
PHILADELPHIA PA 19103

PHONE NUMBER

(215) 567-3000

FAX NUMBER

(215) 567-2700

SUPREME COURT IDENTIFICATION NO

76221

E-MAIL ADDRESS

awilf@lundylaw.com

SIGNATURE OF FILING ATTORNEY OR PARTY

ADAM WILF

DATE SUBMITTED

Thursday, September 03, 2015, 10:34 am

LUNDY LAW, LLP  
BY: ADAM D. WILF, ESQUIRE  
IDENTIFICATION NO. 78221  
19th FLOOR  
1635 MARKET STREET  
PHILADELPHIA, PA. 19103-2297  
215-567-3000  
awilf@lundyllaw.com

PROBATIONARY  
FILED AND RECEIVED BY  
PROBATIONARY  
ASSESSMENT OF PLAINTIFF HEARING:  
[ X ] IS NOT REQUIRED  
[ X ] Jury [ ] Non-Jury [ ] Arbitration

Robert Foster  
1120 E. Susquehanna Avenue  
Philadelphia, PA 19125

Plaintiff

v.

Frank Siegel  
2807 Hunterdon Drive  
Cinnaminson, NJ 08077

Defendant

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
Trial Division

TERM, 2015

No.

NOTICE TO DEFEND

**NOTICE**

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**LAWYER REFERRAL SERVICE**  
1 Reading Center  
Philadelphia, PA 19107  
215-238-1701

**AVISO**

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**LAWYER REFERRAL SERVICE**  
1 Reading Center  
Philadelphia, PA 19107  
215-238-1701

LUNDY LAW, LLP  
BY: ADAM D. WILF, ESQUIRE  
IDENTIFICATION NO.: 78221  
19th FLOOR  
1635 MARKET STREET  
PHILADELPHIA, PA 19103-2297  
(215) 567-3000  
[awilf@lundy.com](mailto:awilf@lundy.com)

ATTORNEY FOR PLAINTIFF

Robert Foster  
1120 E. Susquehanna Avenue  
Philadelphia, PA 19125

Plaintiff

v.

Frank Siegel  
2807 Hunterdon Drive  
Cinnaminson, NJ 08077

Defendant

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

TERM, 2015

NO.

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COMPLAINT

1. Plaintiff, Robert Foster, is an adult individual who resides at the address noted in the caption.

2. Defendant, Frank Siegel, is an adult individual who resides at the address noted in the caption.

3. On or about July 7, 2015, at approximately 9:15 p.m., plaintiff, Robert Foster was a pedestrian crossing the street at or near 700 E. Girard Avenue, walking to Susquehanna Avenue, Philadelphia, Pennsylvania, when he was struck by an automobile travelling on E. Girard Avenue and operated by defendant, Frank Siegel, and plaintiff, Robert Foster, sustained personal injuries more fully set forth at length below.

COUNT I

Plaintiff, Robert Foster v. Defendant, Frank Siegel

4. Plaintiff, Robert Foster by reference the allegations contained in the above paragraphs as though the same were herein set forth fully at length.

5. The carelessness and negligence of defendant, Frank Siegel, consisted, *inter alia*, of the following.

- a. failing to stop for pedestrians;
- b. operating said motor vehicle in a careless manner, without regard for the rights and safety of the pedestrians;
- c. failing to have said motor vehicle in proper and adequate control at all times;
- d. operating said motor vehicle at an excessive rate of speed under the circumstances;
- e. failing to exercise due and proper care;
- f. failing to give proper and sufficient warning of the approach of said motor vehicle;
- g. failing to stop said motor vehicle before striking plaintiff;
- h. careless driving in violation of Section 3714A of the motor vehicle code;
- i. failing to maintain a proper lookout; and
- j. violation of the ordinances of her County and statutes of Pennsylvania pertaining to the operation of vehicle, as it relates to the above acts of negligence.

6. As a direct and proximate result of the aforesaid negligence of defendant, Frank Siegel, plaintiff, Robert Foster, has suffered severe and permanent injuries to his body which include but are not limited to right tibial plateau fracture, right knee pain, surgical repair, scarring, permanent loss of function of the right leg and hand. Plaintiff, Robert Foster, suffered internal injuries of an unknown nature, he suffered severe aches, pains, mental anxiety and anguish and a severe shock to his entire nervous system and other injuries the full extent of which is not yet known. Plaintiff, Robert Foster, sustained an aggravation and/or exacerbation of injuries both known and unknown. He has in the past and will in the future undergo severe pain and unable to attend to his usual duties and occupation, all to his great financial detriment and loss.

7. As a direct and proximate result of the aforesaid negligence of defendant, Frank Siegel, plaintiff, Robert Foster, has been compelled in order to effectuate a cure for the aforesaid injuries, to expend large sums of money for medicine and medical attention and may be required to expend additional sums for the same purpose in the future.

8. As a direct and proximate result of the aforesaid negligence of defendant, Frank Siegel, plaintiff, Robert Foster, has been prevented from attending to his usual daily activities and duties, and may be so prevented for an indefinite period of time in the future, all to his great detriment and loss.

9. As a direct and proximate result of the aforesaid negligence of defendant, Frank Siegel, plaintiff, Robert Foster, has suffered physical pain and mental anguish and humiliation and may continue to suffer same for an indefinite period of time in the future.

10. As a direct and proximate result of the aforesaid negligence of defendant, Frank Siegel, plaintiff, Robert Foster, has incurred in the past and will continue to incur

in the future additional financial expenses or losses which he is entitled to recover.

WHEREFORE, plaintiff, Robert Foster, demands judgment in his favor and against defendant, Frank Siegel, in a sum not in excess of Fifty Thousand Dollars (\$50,000.00) plus costs, pre and post judgment interest and all other relief allowed by law.

LUNDY LAW, LLP

Date:

9/3/15

BY: 


Adam D. Wilf, Esquire  
Attorney for Plaintiff

VERIFICATION

I, Adam D. Wilf, Esquire, hereby state that I am the attorney in this action and verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 P.A. C.S.A. §4904 relating to unsworn falsification to authorities.

Date:

9/3/15

  
Adam D. Wilf, Esquire